

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PHILLIP (PHIL) S. KNUDSEN,

Plaintiff,

v.

CITY OF TACOMA, a municipal corporation
under the laws of the State of Washington;
JAMES L. WALTON, in his individual
capacity; City of Tacoma Council Person
KEVIN PHELPS, in his individual capacity;
Former City of Tacoma Council Person
SHARON McGAVICK, in her individual
capacity; RICK TALBERT, City of Tacoma
Council Person in his individual Capacity;
Former City Attorney for the City of Tacoma
ROBIN JENKINSON, in her individual
capacity; and "JOHN and JANE DOES" 1
through 10 in their individual capacities,

Defendants.

Case No. C04-5850FDB

ORDER DENYING PLAINTIFF'S
MOTION TO EXPEDITE TRIAL
DATE

Plaintiff Knudsen moves to expedite the trial date of this case, currently scheduled as a 20-day jury trial for January 30, 2006, for the reason that Plaintiff has discovered that he has terminal cancer. Plaintiff submits a June 15, 2005 statement from his doctor who states that "... his prognosis is very poor and he will become more symptomatic in the near future due to his disease." (Ex. A. to Plaintiff's motion.) Plaintiff requests a trial date of November 1, 2005, that discovery cutoff be set for August 30, 2005, and that the dispositive motion deadline be expedited, as well. Knudsen contends that simply preserving his testimony is no sufficient, because he would be unable to rebut


1 matters that may be raised during the course of trial. Knudsen states that “Plaintiff does intend to
2 eliminate a factual claim relating to whether or not Mr. Knudsen was a victim of retaliation for the
3 various stances he took relating to the acquisition and implementation of a new computer system in
4 the City of Tacoma.” (Lindenmuth Decl. in Reply, p. 5, the first ¶ 6.) Plaintiff notes that his
5 “primary focus is on claims of racial discrimination and for lack of better terms, “whistle blowing.”
6 *Id.* Nevertheless, Plaintiff states that he “has no intention of dismissing any parties in this action.”
7 (*Id.* p. 5, the second ¶ 6.)

8 The City of Tacoma and the individually-named defendants respond that they want to work
9 with Plaintiff and accommodate him to the extent possible. Defendants have concern that given the
10 current scope of this litigation (seven causes of action, and at Plaintiff’s request, the limits for
11 depositions was increased to 20 from 10) that discovery and motions cannot be completed in time for
12 a November 1, 2005 trial date without unfairly and unreasonably prejudicing the defendants’ ability
13 to defend this matter.

14 Given the number of cases already set during the time frame suggested by Plaintiff, the Court
15 is unable to accommodate Plaintiff’s request for an expedited trial. Moreover, given the scope of the
16 case even without the claim relating to the new computer system, the Court must be mindful of
17 allowing Defendants sufficient time to pursue their defense. The preservation of Plaintiff’s testimony
18 remains a reasonable option. The parties’ suggestion that a status conference would be helpful is
19 moot in view of the Court’s calendar.

20 NOW, THEREFORE, IT IS ORDERED: Plaintiff’s Motion To Expedite Trial Date [Dkt. #
21 20] is DENIED.

22 DATED this 29th day of July 2005.

23
24 
25 FRANKLIN D. BURGESS
26 UNITED STATES DISTRICT JUDGE